

Appl. No. 10/730,826  
Amdt. dated October 24, 2005  
Reply to Office Action mailed August 2, 2005

**Amendments to the Drawings:**

The attached sheets of drawings include changes to Figs. 1, 2, 3A, 5-8, 10, and 11. These sheets, which include Figs. 1-11, replace the original sheets including Figs. 1-11.

Attachment: Replacement Sheets

**REMARKS**

The above-referenced application has been reviewed in light of the Office Action mailed August 2, 2005. By the present Amendment, the Applicant has amended claim 8 and has canceled claims 13-18. Claims 1-7 were canceled in a previous amendment. It is respectfully submitted that the aforementioned claims are fully supported by the specification, introduce no new subject matter, and are patentable over the prior art. Prompt and favorable consideration of the claims as amended is respectfully requested.

Claims 13-18 were withdrawn in the Office Action as being directed towards a non-elected invention. In response thereto, the Applicant has canceled claims 13-18 without prejudice. The Applicant hereby expressly reserves the right to file the canceled claims in one or more continuation and/or divisional applications.

The Office Action objected to the drawings filed in the preliminary amendment and stated that they did not meet the requirements of 37 C.F.R. § 1.84. Specifically, the Office Action stated that the drawings were unacceptable since they did not include an explanation of the changes made and failed to include a label of "Replacement Sheet." In response thereto, the Applicant hereby submits drawing sheets that are labeled as replacement sheets. The attached drawings include corrections, identified in red ink, to the reference characters to conform them to the detailed description. It is respectfully submitted that the replacement drawing sheets do not add any new matter and satisfy the requirements of 37 C.F.R. § 1.84. Therefore, it is respectfully requested that the Examiner accept the attached replacement drawing sheets.

In the Office Action, claims 8-12 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 5,588,430 to Bova et al. (the '430 patent). According to the Office Action, the '430 patent discloses using camera data and image data to determine if the patient needs to be moved to maintain the target in the proper location for treatment. The patient is then moved according to the data. The Office Action stated since the patient is positioned in three dimensional space, it would have been obvious to one skilled in the art to have provided means for moving the patient along all three axes to ensure proper positioning.

As presently amended, claim 8 recites a system for positioning a patient on a bed including, *inter alia*, a camera system, a memory storage device, a processor generating a plurality of directional values, an apparatus for positioning the bed wherein the apparatus moves "the bed in a first direction and in a second direction in response to the respective first and second directional data values," and "a treatment device coupled to the processor, the treatment device movable in a third direction and a fourth direction in response to third and fourth directional data values." The '430 patent relates to a treatment system wherein a removable locator is attached to a patient during a diagnostic procedure for acquiring the location of a target region for treatment. After the target region is identified, the patient is relocated to a treatment area whereupon markers are used to register the patient's new location and determined the required movement of the patient for treating the target region.

The '430 patent discloses a system wherein the patient is repositioned to the proper position for treatment (column 9, lines 54-54). According to the '430 patent, the patient is repositioned after the diagnostic procedure to a proper position for the treatment procedure (column 10, lines 43-48). Further still, the '430 patent specifically discloses that mechanisms for

moving the treatment apparatus are not required as a result of the system disclosed in the '430 patent. The '430 patent (column 11, lines 10-22) specifically states:

By proper placement of the LEDs to detect any misalignments of the type discussed in the inventors' incorporated by reference patents, the various misalignment correcting mechanisms of those patents would not be required. Instead of correcting for misalignments using those mechanisms, use of such LEDs on part of the linear accelerator 12 and/or the head support would allow the system to not only compute the translation/rotation of the patient relative to the nominal isocenter of the linear accelerator, but would allow the system to compute the actual isocenter. Thus, the patient could be moved to proper position relative to the actual isocenter. This compensates for any offset between the nominal isocenter (isocenter absent the misalignments) and the actual isocenter.

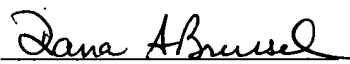
There is no disclosure or suggestion in the '430 patent for a system that moves "the bed in a first direction and in a second direction in response to the respective first and second directional data values," and "a treatment device coupled to the processor, the treatment device movable in a third direction and a fourth direction in response to third and fourth directional data values" as recited in amended claim 8. Therefore, it is respectfully submitted that amended claim 8 is not suggested by the '430 patent and the rejection of the Office Action has been overcome. Since claims 9-12 depend directly from claim 8, it is respectfully submitted that the rejection of these claims has also been overcome.

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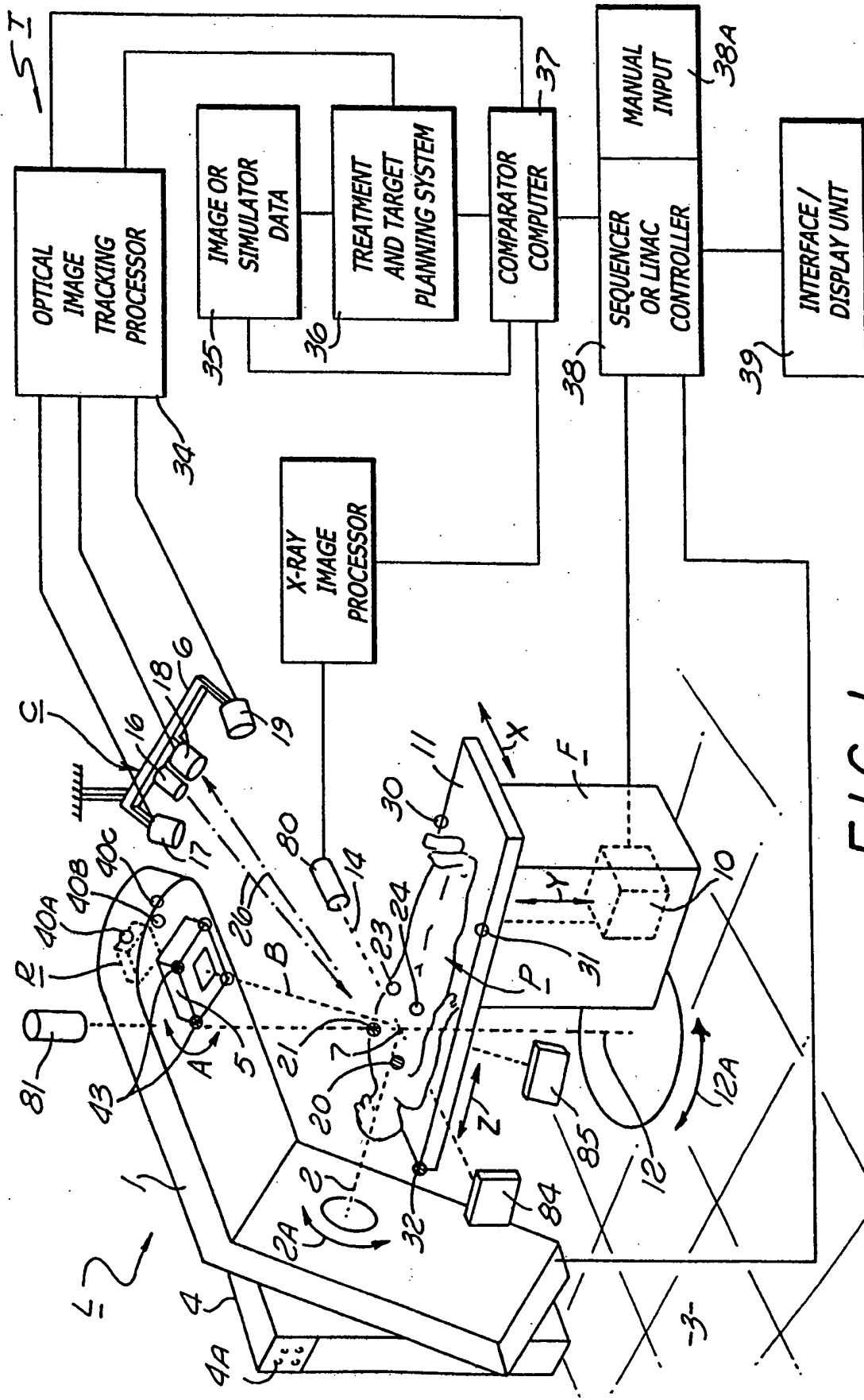
In view of the foregoing amendments and remarks, it is respectfully submitted that all claims pending in the application, namely claims 8-12, are in condition for allowance. Should the Examiner desire a telephonic interview to resolve any outstanding matters, she is invited to contact the undersigned at (631) 501-5713.

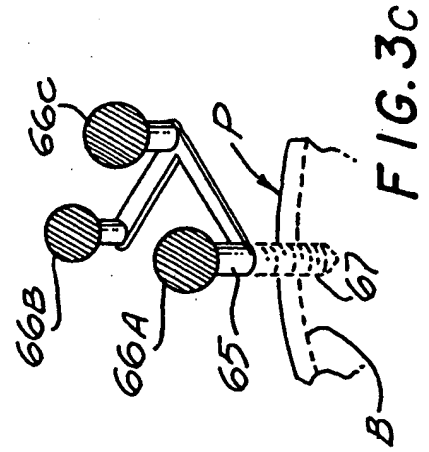
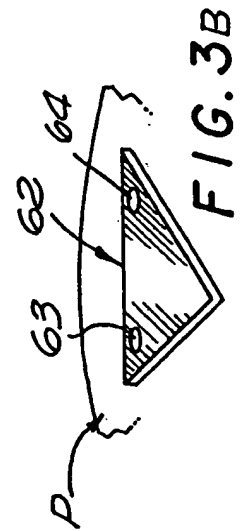
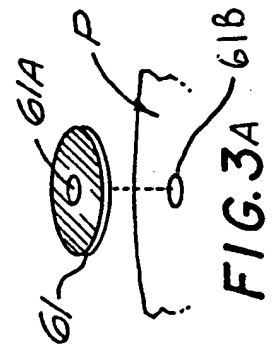
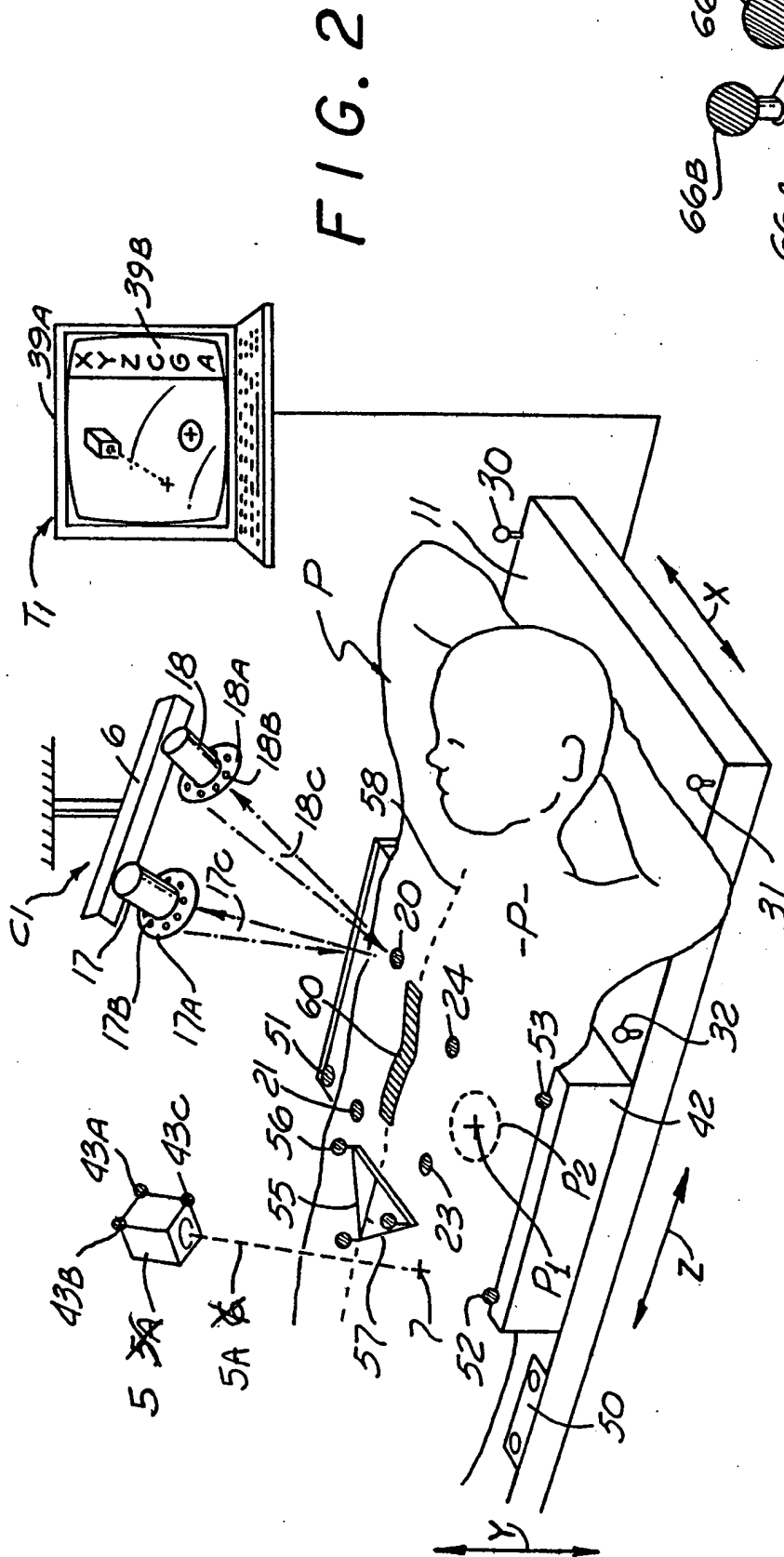
Respectfully submitted,

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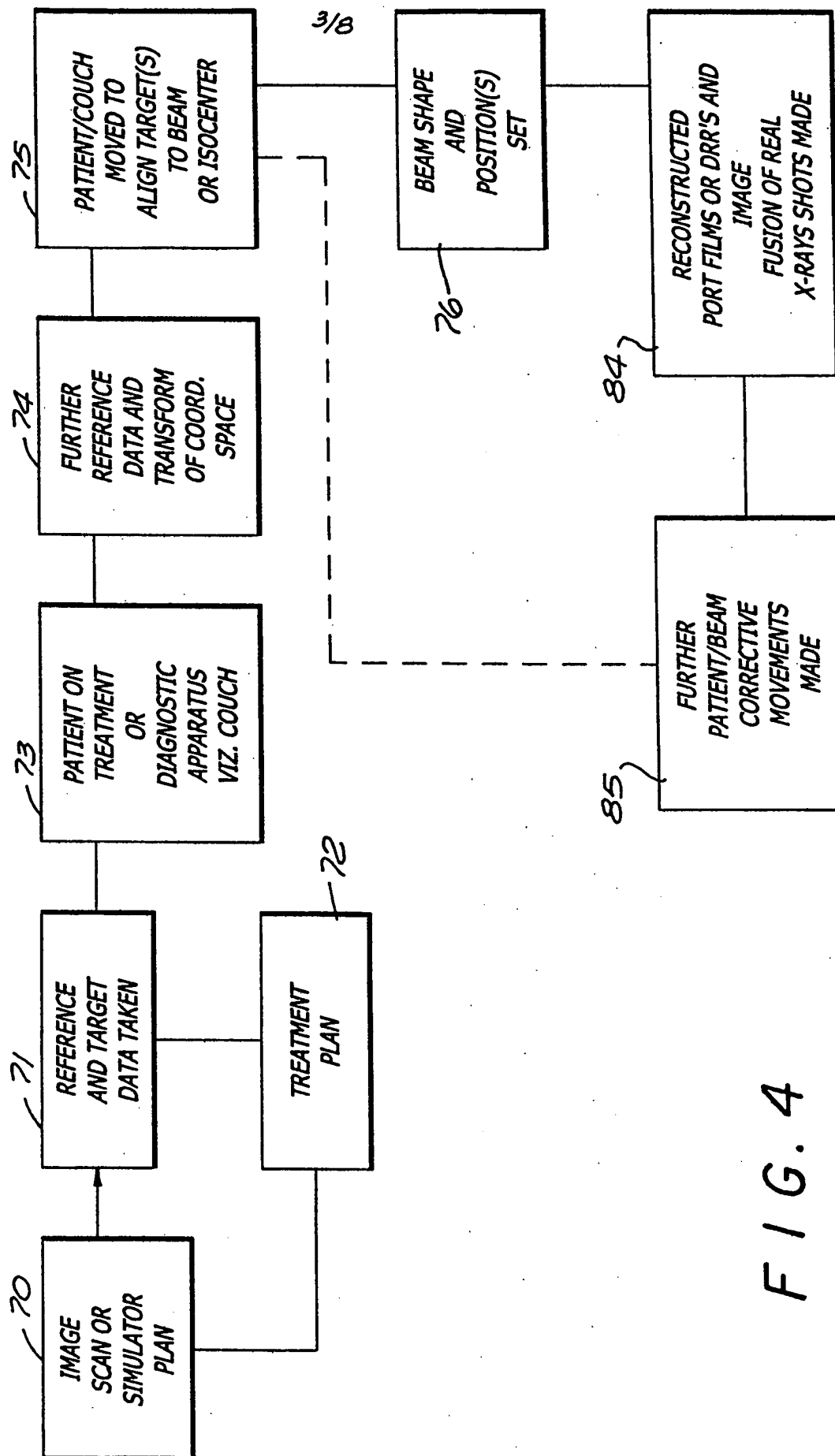
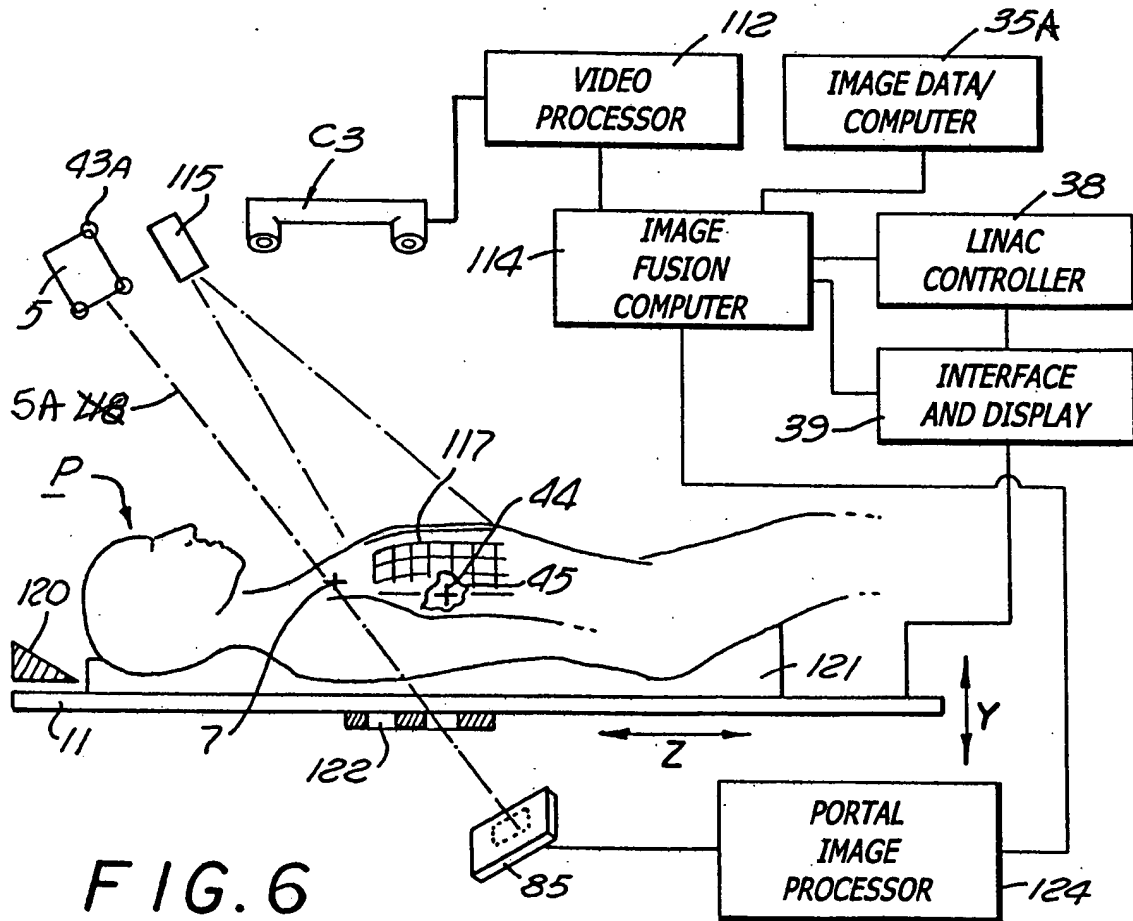
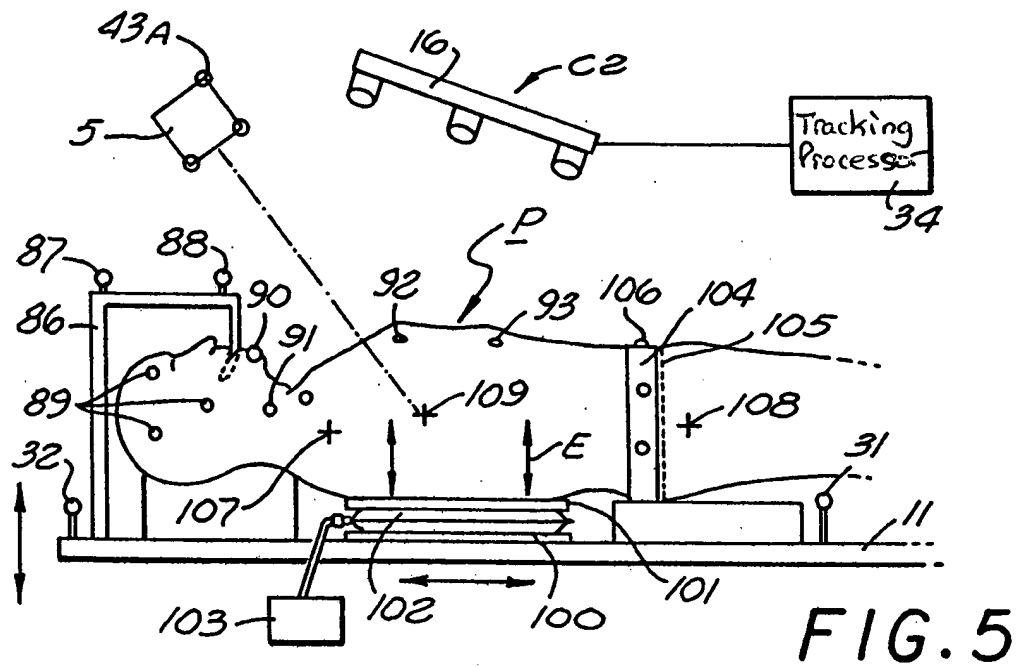


FIG. 4



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5/8

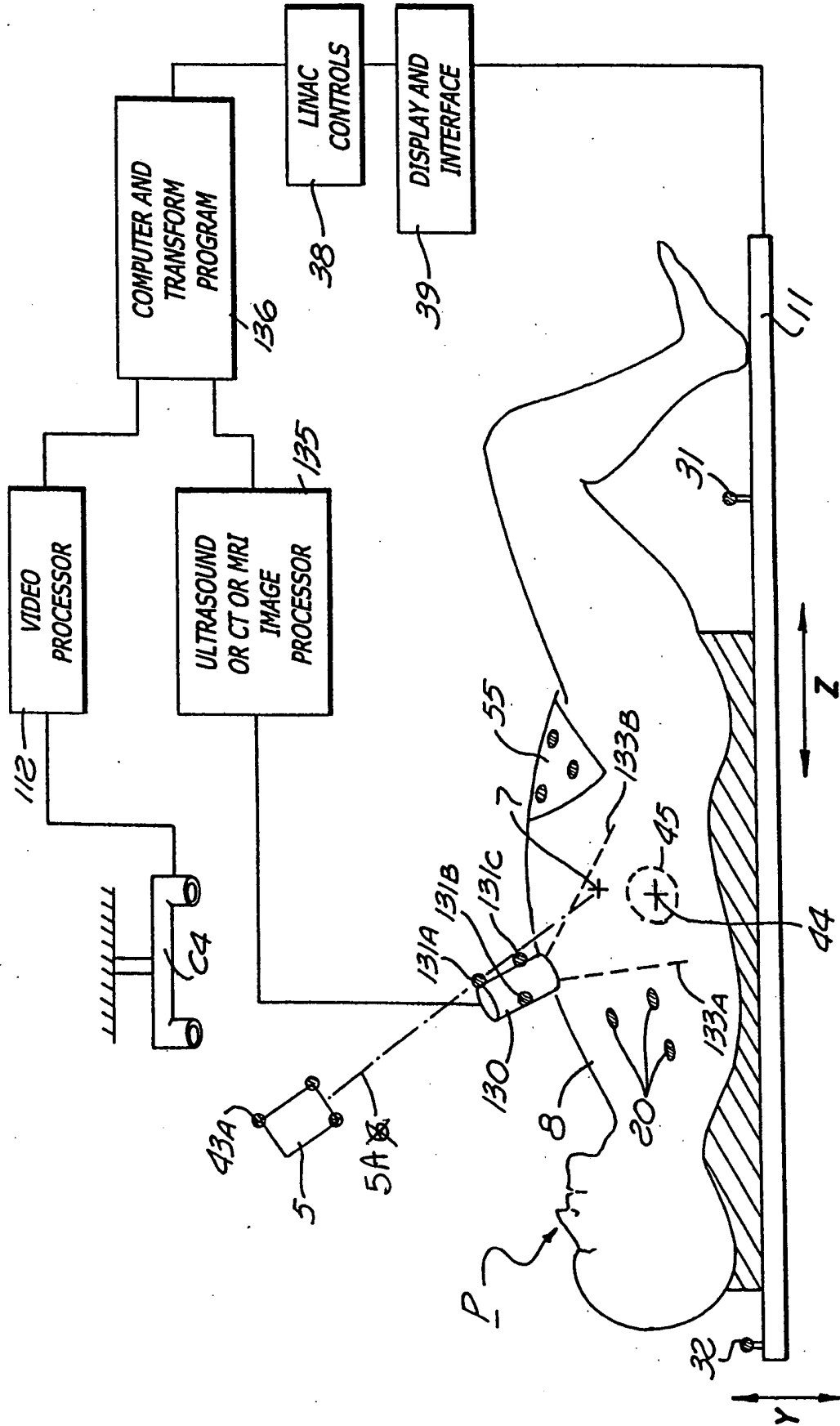


FIG. 7



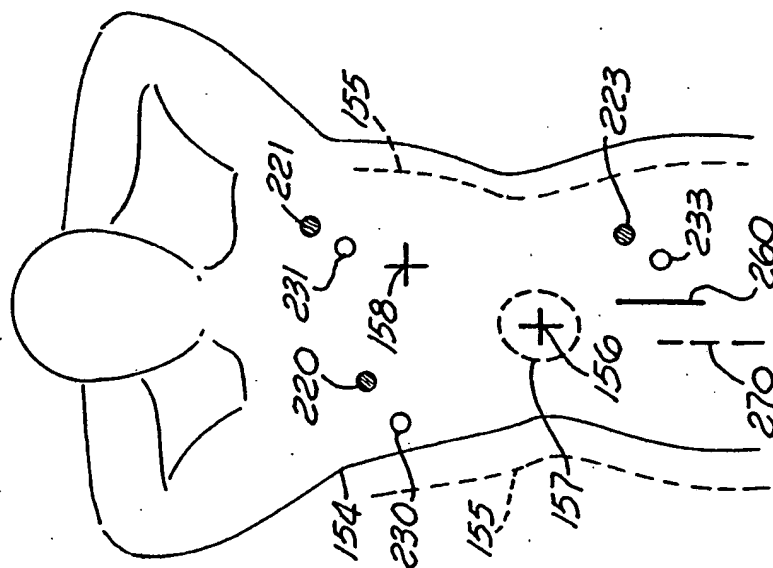


FIG. 9A

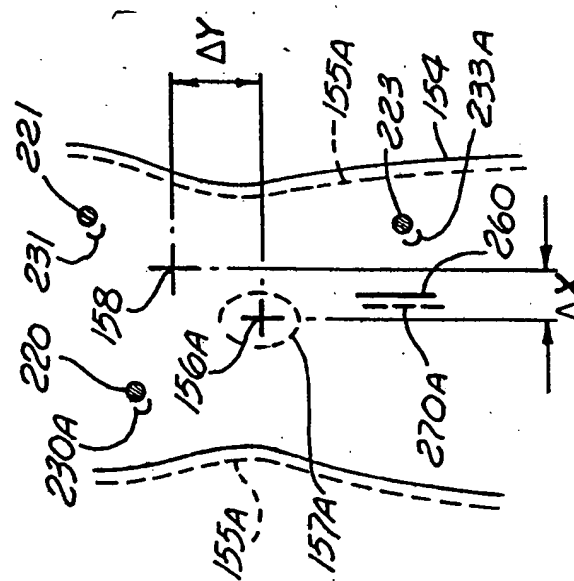


FIG. 9B

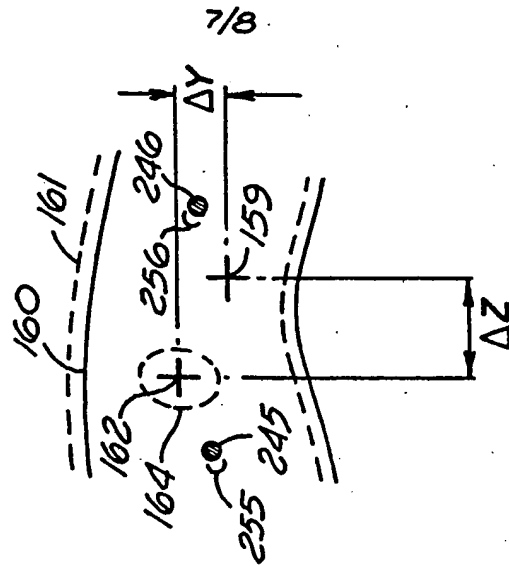


FIG. 9C

